

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON**

**LARRY JOHNSON,**

Plaintiff,

v.

**THOMAS BRENNEKE; GARRETT  
LAMAR MILES; GUARDIAN  
MANAGEMENT, LLC; GUARDIAN  
REAL ESTATE SERVICES; UPTOWN  
TOWER APARTMENTS; LISA  
SIMONSON; KELLY PAINE; and  
SUNSHINE SALES,**

Defendants.

Case No. 3:21-cv-00582-JR  
(Lead Case)<sup>1</sup>

Case No. 3:21-cv-00685-JR  
Case No. 3:21-cv-00871-JR  
(Trailing Cases)

**ORDER**

**IMMERGUT, District Judge.**

Pro se Plaintiff Larry Johnson filed this Fair Housing Act (“FHA”) action against Defendants Thomas Brenneke; Lisa Simonson; Kelly Paine; Guardian Management, LLC; Guardian Real Estate Services; and Uptown Tower Apartments (collectively “Guardian

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<sup>1</sup> All citations are to documents in the lead case unless otherwise noted.

Defendants”), as well as Garrett Lamar Miles and Sunshine Sales.<sup>2</sup> On June 25, 2021, Plaintiff filed a Motion for Partial Summary Judgment against all Defendants. ECF 35. On July 16, 2021, Guardian Defendants filed a Cross Motion for Summary Judgment. ECF 50. On July 20, 2021, Guardian Defendants filed a Motion for Vexatious Litigant Order. ECF 53.

On February 23, 2022, Magistrate Judge Jolie A. Russo issued her Findings and Recommendation (“F&R”) as to the above-listed motions. ECF 77. On March 31, 2022, this Court adopted the F&R in full and denied Plaintiff’s Partial Motion for Summary Judgment, ECF 35; granted Guardian Defendants’ Cross Motion for Summary Judgment, ECF 50; and denied Guardian Defendants’ request for a prefiling order, ECF 53. ECF 99. Plaintiff filed a Motion to Amend Complaint, ECF 91, a Motion for Partial Summary Judgment, ECF 92, and multiple Motions for Relief, ECF 81, 82, 83, 84, 85, 86, 87, 88, 89, 90. This Court now considers Judge Russo’s May 10, 2022 F&R, ECF 111, which recommends denial of Plaintiff’s Amended Motion for Partial Summary Judgment against Defendant Garrett Miles, ECF 92, Plaintiff’s Motion to Amend Complaint, ECF 91, and the Motions for Relief, ECF 81, 82, 83, 84, 85, 86, 87, 88, 89, 90.

### **STANDARDS**

Under the Federal Magistrates Act (“Act”), as amended, the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). If a party objects to a magistrate judge’s F&R, “the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* But the court is not required to review, de

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<sup>2</sup> Kenneth De Groot and Lisa Rudhe are also listed as individual defendants in Case No. 3:21-00685-JR.

novo or under any other standard, the factual or legal conclusions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act “does not preclude further review by the district judge, *sua sponte*” whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

### **CONCLUSION**

No party having filed objections, this Court has reviewed the F&R and accepts Judge Russo’s conclusions. The F&R, ECF 111, is adopted in full. Plaintiff’s Motion for Partial Summary Judgment, ECF 92, is DENIED. Plaintiff’s Motion to Amend, ECF 91, is DENIED. Plaintiff’s Motions for Relief, ECF 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, are DENIED as moot.

**IT IS SO ORDERED.**

DATED this 21st day of June, 2022.

/s/ Karin J. Immergut  
Karin J. Immergut  
United States District Judge